

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER			YR.	NUMBER
1085/4	75	0057	02	11	75	2	870	1				125		8509		75	0057-B

PLAINTIFFS

DEFENDANTS

BENEDICT OIL COMPANY, a Delaware Corporation and BENEDICT I. LUBELL, as Trustee of the Jeanette and Samuel Lubell Foundation, NORMA R. LUBELL and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, as Co-Trustees of the Trust for the Benefit of Ann Lubell Margolis, NORMA R. LUBELL and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, as Co-Trustees of the Trust for the Benefit of John David Lubell, BENEDICT I. LUBELL, GRACE L. BRANDT, SHIRLEY L. BLACK, JOHN DAVID LUBELL, JAN BORGENICHT SCHWARTZ, BERTA BORGENICHT KERR, LOIS BORGENICHT, LEON DAVID BLACK, JUDITH ELLEN BLACK NADLER, ANN LUBELL MARGOLIS, M. ROBERT GALLOP, as Trustee of the Trust for the Benefit of Leon David Black, and M. ROBERT GALLOP, as Trustee of the Trust for the Benefit of Judith Ellen Black Nadler.

United States of America

CAUSE

28 USC §1346(a)(1). Recovery of I.R. taxes erroneously levied.

ATTORNEYS

Robert L. McGowen  
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Tulsa, Oklahoma 74103  
  
(918-560-5682)

Robert P. Santee  
460 U. S. Courthouse  
Tulsa, Oklahoma 74103  
Pete Grabicki  
~~Eugene Sayre~~, Tax Division  
Department of Justice, Room 8B37  
1100 Commerce Street  
Dallas, Texas 75202  
*214-749-1251*  
John F. Murray, Tax Division  
Dept. of Justice, Rm. 8E2  
Fed. Office Bldg.,  
Dallas, Tx. 75202

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORM PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	3-1-75 10-1-78
				JS-6	8-1-76 2-1-79

DATE	NR.	PROCEEDINGS
2-11-75	1.	Complaint filed and Summons issued. Civil Cover Sheet attached. v
2-12-75		Summons, ret. & filed: served U. S. Dist. Atty., Tulsa, mailed 2 cpies to Atty. Gen., Dept. of Justice, Wash. D. C. and 1 cpy to Com. of Internal Revenue, Wash. D. C., by certified mail, return receipt requested, all on 2-12-75. (USM \$6.00)g
4-16-75	2.	Deft's Answer, filed. mm
5-15-75	MO	Parties are directed to hold PT conf. on or before 6-26-75 & file PT Order on or before 7-3-75. (AEB-J)k notices by cert ml
6-20-75	3.	Joint Application to Continue Pretrial Conference, filed. mm
6-23-75	4.	Order, filed, granting ext. for pretrial conference for 90 days from this date. (AEB-J)g
9-23-75	5	Pltfs' appl. for continuance of PT conf. for 120 days, filed.k 0405
9-29-75	6	Order, filed, granting pltfs' appl. to continue pretrial conference for 120 days from 9-23-75. (AEB-J)g 7/10/75
1-15-76	7..	Pltfs' appl. to continue pretrial conference, filed. ph 0405
1-16	8	Order granting addl. 60 day period from this date to hold PT conference, filed. (AEB-J)g cpies mld.
3-15	9	Stipulation of Facts, filed.t
3-17	10	Pretrial Order, filed. (AEB-J)g
4-1	MO	Case set for Non- Jury trial on 6-1-76, at 10:00 A.M. (AEB-J)b notice mld w/affid.
5-10	MO	IT IS THEREFORE, ORDERED that this case be stricken from the non-jury docket scheduled June 1, 1976. It is FURTHER ORDERED that the parties file simultaneous briefs on or before June 1, 1976. (AEB-J)t cps.mld
5-13	11	Supplemental pretrial order, filed. (AEB-J)g
5-17		Depo of Charles E. McCune on behalf of Deft, taken before Donal R. Lindquist on March 29, 1976, filed Depo Costs pd by Deft. \$13.50.t
6-1	12	Deft's motion for judgment, filed. g
6-1	13	Deft's brief in support of mot. for judgment, filed. g
6-1	14	Pltfs' Trial Brief, filed.s
6-8	15.	Reply brief for the deft., filed.k and entered.
7-1	16.	Findings of fact and conclusions of law, filed / Deft's motion for summary judgment is denied; Pltfs. are entitled to judgment against USA in an amount to be computed to include interest as provided by law, along with their costs; in accordance with the PT order, parties will compute the amt. of the judgment to be entered pursuant hereto within seven (7) days of the above date. (AEB-J)s cps. mld.
7-9	17	Judgment, filed & entered, that plaintiffs recover the sum of \$125,105 in tax, plus interest as provided by law, and their costs, from the defendant U.S.A. (AEB-J)g cp mailed
8-10	--	Deposition of John E. Barry taken on 3-29-76, filed. (D.R. Lindquist-CSR)ph (\$37.50 pd by deft.)
9-2	18	Notice of Appeal by defendant, filed. cp to USCA & counsel. g
9-10.	19	Designation of record by USA, filed. rm
9-21		Appeal record (1 vol.) sent to USCA. g

## CIVIL DOCKET CONTINUATION SHEET

Barrow

FPI-MAR

PLAINTIFF

DEFENDANT

DOCKET NO. 75-C-57-B

Benedict Oil Company

U.S.A.

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DATE	NR.	PROCEEDINGS
<u>1978</u>		
9-11	20.	Mandate and Opinion of 10th Circuit, filed and spread of record, remanding cause for further proceedings consistent with opinion. rm
9-11	21.	Statement of costs from 10th Circuit, in amt. of \$283.55, filed and taxed in favor of defendant, USA, and against pltf.rm
10-20	----	Appeal record (1 vol) received from 10th Cir. rm
12-28	22	Pltfs. appl. to abate proceedings pending resolution by the parties of the amt. of recovery by Pltfs., fld. ho O to J.
12-29	23.	Order, filed, that the proceedings herein be abated pending resolution by parties of amount of recovery by Plaintiffs.(AEB-J)b cps mld
<u>1979</u>		
1-4	24	Judgment, fld. & entered, Ordered that the judgment entered on 7-9-76 is vacated, it is further ordered that the Pltfs. have & recover of Deft. the sum of \$25,472.49 in tax & \$20,128.68 in interest, representing interest through 12-31-78 a total of \$45,601.17, plus interest as provided by law from 12-31-78; & that each party bear its own costs. (AEB-J)ho c/m
3-8	25	Satisfaction of judgment, fld. ho

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PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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DC-111A REV. (1/75)